**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE SIDE**

**WRIT PETITION NO.1949 OF 2004**

Nagnath Dattaraya Kalal ...Petitioner

Vs.

The Collector of Solapur & Anr. ...Respondents

Mr.Vishal Thadani i/b Mrs.V.B.Thadani for the Petitioner
Mr.A.P.Vanarase,A.G.P. for the Respondents.

**CORAM: A.S.OKA, J.**
**DATED: JANUARY 27,2006.**

**P.C.:**

1. Heard Advocate for the Petitioner and the learned A.G.P. for the Respondents. The case of the Petitioner is that by order dated 21st January 2004 the concerned Authority directed the Petitioner to shift his liquor shop within a period of 30 days from the present premises failing which the shop will be closed down. It is not in dispute that the Petitioner challenged the order dated 21st January 2004 by preferring an Appeal No.70 of 2004 before the second Respondent. In paragraph No.7 of the Petition, the Petitioner has averred that an Application for stay made in the said Appeal and by oral order the Application was rejected. The grievance of the Petitioner is that a copy of order rejecting the Application for stay is not available.

2. On 20th February 2004, this Court passed an ad-interim

order directing the parties to maintain status quo. The said order was continued from time to time. Lastly, on 6th May 2004 the said ad-interim order of status quo was directed to be continued till further orders.

3. The learned Advocate for the Petitioner stated that the Appeal No.70 of 2003 preferred by the Petitioner is still pending before the Respondent No.2. Perusal of the Affidavit filed by the Superintendent of State Excise shows that there is no dispute about the pendency of the Appeal. The Appeal is pending before the second Respondent and ad-interim order passed by this Court is now operating for almost last two years. Interests of justice will be served if the said ad-interim order is continued till disposal of the Appeal preferred by the Petitioner and the Appeal is decided expeditiously.

4. Hence, the Petition is disposed of by passing the following order :

i) Ad-interim order passed on 20th February 2004 will continue to operate till final disposal of the Appeal No.70 of 2003 filed by the Petitioner.

ii) The concerned Appellate Authority will decide the Appeal as expeditiously as possible and preferably within a period of six months from toady.

iii) All the contentions of the parties on merits of the Appeal are expressly kept open.

iv) Petition is disposed of in above terms with no order as to costs.

. Parties to act upon an authenticated copy of this order.

**Judge.**